

CALENDAR
for
REGULAR MEETING OF THE COUNCIL
of the
CITY OF LONG BEACH
held
APRIL 21, 2015

1. Resolution Authorizing the City Manager to Enter into Two Inter-Municipal Agreements with the Long Beach City School District.

Legislative Memo: It is the desire of both the City and the School District to share services and resources for cost savings, which is in the best interests of the Long Beach taxpayers. The City acknowledges and appreciates its special relationship with the School District, both year round and in crisis situations.

PUBLIC HEARING: Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 46 East Park Avenue (second floor-rear space), Long Beach, New York.

Re: Semi-Permanent Cosmetics

2. Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 46 East Park Avenue (second floor-rear space), Long Beach, New York.
Re: Semi-Permanent Cosmetics

3. Resolution Adopting a Language Access Policy for the City of Long Beach.

Legislative Memo: The objective of adopting a Language Access Policy is to ensure that the City shall make reasonable efforts to provide meaningful access to City services and programs to persons who have limited English language proficiency.

4. Resolution Authorizing the City Manager to Enter into Agreements for the Operation of Beach Concessions at Various Locations throughout the City of Long Beach.

Legislative Memo: After a successful 2014 summer season, it is the City's desire to continue to provide a wide variety of foods and refreshments in convenient locations, a greater diversity of food products, excellent quality foods with a local flavor, while showing preference to local food merchants and/or those who have previously provided food services.

5. Resolution Authorizing the City Manager to Enter into a Host Community Agreement.

Legislative Memo: In the interest of being a good corporate citizen and neighbor, iStar FM Loans LLC and Shore Road-Long Beach Superblock LLC have agreed to provide payments for community enhancements for covering expenses related to new and/or additional municipal services, infrastructure improvements, Capital improvements and future storm resiliency projects and downtown revitalization efforts.

6. Resolution Authorizing the City Manager to Enter into a Contract for the Rehabilitation of the Sherman Brown Park with the Lowest Responsible Bidder.

Legislative Memo: As a result of Superstorm Sandy, the asphalt pavement of the Sherman Brown Park was damaged by the flood waters, requiring it be replaced. Funding is being provided through public assistance grant monies from FEMA.

7. Resolution Authorizing the City Manager to Purchase Outdoor Beach Shower Units and Freeze Resistant Underground Hydrants from the Lowest Responsible Bidder.

Legislative Memo: The City is installing thirteen new showers in the West End, situated on the beach in front of the new dune walk-overs as well as an additional three more showers on East End beaches. Funds are available in the Capital Improvement Plan.

8. Resolution Authorizing the City Manager to Enter into a Contract for the Rental of Portable Restroom Trailers for the Ocean Beach Park.

Legislative Memo: As a result of Superstorm Sandy, the bathrooms on Ocean Beach Park were completely destroyed by the storm surge. The City is now rebuilding the first five bathrooms. As construction is completed and a bathroom is opened, the rental bathroom will be removed from that location. Funding is being provided through public assistance grant monies from FEMA

9. Resolution Authorizing Publication of the General Summary of the Capital Improvement Program for the Next Five Years, and Authorizing Publication of the General Summary of the Proposed Budget for Year July 1, 2015 through June 30, 2016, and Notice of Public Hearings Thereon.

April 21, 2015

Item No. 1
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter into Two
Inter-Municipal Agreements with the Long Beach City School District.

WHEREAS, the Long Beach City School District and the City of Long Beach
have entered into discussion pertaining to the use of their respective facilities by one another;
and

WHEREAS, it is in the interest of the taxpayers of the Long Beach City School
District and the City of Long Beach to share resources in the undertaking of their respective
duties; and

WHEREAS, it is possible to make these resources available for mutual use when
it is in the public interest; and

WHEREAS, the Long Beach City School District and the City of Long Beach
wish to enter into a contract for the use of facilities in accordance with General Municipal Law
§119-o and Education Law §414; and

WHEREAS, the School District is the owner of the property upon which the City
of Long Beach operates the West End Neighborhood Facility Center located at 91 Maryland
Avenue, Long Beach, New York; and

WHEREAS, the School District and the City have determined that it would be in
their best financial interests for the School District to enter into this Inter-Municipal Agreement,
pursuant to New York General Municipal Law §119-o, for the provision of the maintenance and
upkeep of the West End Community Center;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the
City Manager be and he hereby is authorized to enter into two Inter-Municipal Agreements with
the Long Beach City School District

April 21, 2015

Item No. 2
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Granting Waiver of Off-Street Parking Requirements Re:
Premises 46 East Park Avenue, (second floor-rear space), Long Beach,
New York.

WHEREAS, there has been presented to this Council an application pursuant to Section 9-112(18)(c) of Appendix A (Zoning Law) of the Long Beach Code of Ordinances, for waiver of off-street parking requirements for the premises located at 46 East Park Avenue (second floor-rear space), Long Beach, New York (Section 59, Block 97, Lot 20), between Edwards and Riverside Boulevards, having frontage of less than 20 feet, on behalf of the owner Long Beach Realty II Corp., 104-18 Metropolitan Avenue, Forest Hills, New York 11375 to be used for Semi-Permanent Cosmetic Services;

WHEREAS, a Public Hearing was held on this date;

NOW, THEREFORE, after due deliberation, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the application of the owner Long Beach Realty II Corp., 104-18 Metropolitan Avenue, Forest Hills, New York 11375 for exemption with respect to the requirements for off-street parking at premises 46 East Park Avenue (second floor-rear space), having frontage of less than 20 feet, be and the same hereby is granted, only and during the time that such premises shall be used for Semi-Permanent Cosmetic Services.

April 21, 2015

Item No. 3
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Adopting a Language Access Policy for the
City of Long Beach.

WHEREAS, the objective of adopting a Language Access Policy is to ensure that the City shall make reasonable efforts to provide meaningful access to City services and programs to persons who have limited English language proficiency; and

WHEREAS, the City of Long Beach has an estimated population of 33,552 residents, according to the 2013 U.S. Census, of which an estimated 8.3 % are Limited English Proficient (LEP), with the majority being Spanish speaking individuals; and

WHEREAS, Title VI of the Civil Rights Act of 1964 prohibits agencies that receive federal funds for programs and activities from discriminating against persons on the basis of race, color or national origin; and

WHEREAS, pursuant to Presidential Executive Order 13166 (August 11, 2000), federally-funded agencies must take reasonable steps to ensure that people who have Limited English Proficiency have access to the recipient's programs and services; and

WHEREAS, the public safety, health, economic prosperity and general welfare of all Long Beach residents is furthered by increasing language access to City programs and services; and

WHEREAS, the City is committed to ensuring that language access services are implemented in a cost effective and efficient manner; and

WHEREAS, the City currently offers a variety of language access services, for instance, on the City's official website the language on the site can be instantly translated into Spanish or into any language, with just the click of a mouse; and

WHEREAS, the City contracts with Language Line, a phone service which provides on-the-spot translation of conversations from English to multiple languages; and

WHEREAS, the City's Emergency Notification System allows users to sign up in Spanish and to receive emergency alerts in Spanish as well; and

WHEREAS, the Long Beach Response App, which provides users with valuable City information and which is available for free through I-Tunes and Google Play for all smart phone users, can be translated to the default language set on an individual's smart phone, for example, a resident can report an issue in Spanish and the City will receive it translated into English and the City's response will be translated back into Spanish;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the following Language Access Policy for the City of Long Beach is hereby adopted:

Language Access Policy:

The staff of the City of Long Beach must take reasonable steps to provide language assistance services to Limited English Proficient (LEP) individuals. LEP individuals are defined as persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English.

This policy is based on the principle that it is the responsibility of the City of Long Beach and not the LEP individual, to take reasonable steps to ensure that communications between a City department and the LEP individual are not impaired as a result of limited English proficiency of the individual.

The staff of the City of Long Beach must take reasonable steps to ensure communications with LEP individual is as effective as communications with others who are not LEP individuals, while providing similar services.

The staff of the City of Long Beach must take reasonable steps to provide oral and written language services to assist LEP individuals to communicate effectively, providing vital documents which are paper or electronic written material that contain information that is critical for accessing City programs or activities, and to provide LEP individuals with meaningful access to, and an equal opportunity to participate fully in, the services, activities and other programs administered by the City of Long Beach.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter into
Agreements for the Operation of Beach Concessions at
Various Locations throughout the City of Long Beach.

WHEREAS, in response to community feedback, the City last year offered more concessions situated along the beach and on the boardwalk in order to provide residents and visitors with an abundance of choices in convenient locations, a greater diversity of food products, excellent quality foods with a local flavor, while showing preference to local food merchants and/or those who have previously provided food services; and

WHEREAS, after a successful summer season, it is the City's desire to continue to provide a wide variety of foods and refreshments at various locations throughout the City; and

WHEREAS, after due advertisement therefore, proposals were received in the Office of the City Purchasing Agent on Monday, March 16, 2014, and the following vendors submitted proposals that best meet the needs and desires of the community all while offering diverse, delicious and quality local fair:

Riverside Food Market: (Food Trucks)

- * Corazon de Cuba, 25 E. Park Avenue, Long Beach, New York
- * Tiki, Inc. d/b/a Lido Kosher Deli, 641 E. Park Avenue, Long Beach, New York
- * L Sano Corp. d/b/a Villaggio Ristorante, 157 E. Park Avenue, Long Beach, New York
- * Sugo Café Corp., 62 W. Park Avenue, Long Beach, New York
- * CH&J Magnolia Group, Inc. d/b/a Tutti Fruttie & The Pineapple Express, 28 W. Park Avenue, Long Beach, New York
- * Swingbelly's Barbeque & Seafood, 909 W. Beech Street, Long Beach, New York
- * New York ACAI Co., 1 Riverside Blvd., Long Beach, New York
- * Lookout Deli/The Whales Tale, 916 W. Beech Street, Long Beach, New York
- * C&C Deli, 801 West Beech Street, Long Beach, New York
- * Don Juan-Taco Tuesday Truck, 124 East Park Ave., Long Beach, New York
- * Poseidon's Kitchen, 99 Grand Avenue, Rockville Centre, New York

Beach Concessions-Stationary Carts and Mobile on the Beach

- * Pacific on the Beach as well as mobile on the beach between Maple and Neptune Boulevards:
Lookout Deli/Whales Tale, 916 W. Beech Street, Long Beach, New York 11561
- * Neptune at the Beach Entrance:
Hakeem Josephs-Mr. Flavors Ice Cream, 1321-32 155th St., Jamaica, New York 11434
- * Edwards on the Beach:
Odie's Ocean Grill, 25 Franklin Blvd., Long Beach, New York
- * Between Edwards and Riverside on the Beach:
Sandbar Sandwich Co., 25 Franklin Blvd., Long Beach, New York

- * National on the Boardwalk:
Cultured: Yogurt & Waffle Bar, 25 Franklin Blvd., Long Beach, New York 11561
- * Long Beach Boulevard on the Boardwalk:
Skudin Surf Shack, 218 E. Park Ave., Long Beach, New York
- * Neptune on the Boardwalk:
3 Squares Training, Inc., Long Beach, New York

On the Beachfront

- * Between Nevada east to National; Pre-packaged Ice Cream only on Edwards; and
Riverside East to Neptune
Beachside Services, NY Ltd., 740 W. Bay Drive, Long Beach, New York 11561

On the Boardwalk

- * At New York, Grand, Lindell, Washington, Lafayette, Laurelton, Magnolia, Edwards,
Long Beach, Monroe, Lincoln and Franklin
Beachside Services, NY Ltd., 740 W. Bay Drive, Long Beach, New York 11561

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the City Manager be and he hereby is authorized to enter into agreements with the above vendors for the 2015 summer season for a total fee of \$80,500, plus a reimbursement of \$9,180 to be paid to the City for the cost to maintain and keep clean the Shoregasboard area, for a total of \$89,680 for the summer season; and be it further

RESOLVED, that said agreements shall contain such other terms, conditions and provisions as the City Manager and the Corporation Counsel shall deem necessary and proper.

April 21, 2015

Item No. 5
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter into
a Host Community Agreement.

WHEREAS, the City of Long Beach, the City of Long Beach Local Development Corporation, iStar FM Loans LLC and Shore Road-Long Beach Superblock LLC are desirous of entering into a Host Community Agreement to help mitigate the effects of a new multi-family housing project to be located in the City of Long Beach on the property known as the Superblock, to accommodate approximately 522 residential rental apartment units; and

WHEREAS, the City and the City of Long Beach Local Development Corporation were represented during negotiations by Keith Corbett, Esq. and Andrew D. Komaromi, Esq. of Harris Beach PLLC; and

WHEREAS, iStar FM Loans LLC and Shore Road-Long Beach Superblock LLC were represented during negotiations by Peter Curry, Esq., Farrell Fritz, P.C. and Matthew Parrott, Esq., Katten Muchin Rosenman, LLP; and

WHEREAS, iStar FM Loans LLC and Shore Road-Long Beach Superblock LLC recognize that, while providing numerous benefits to the City, one being the creation of numerous jobs (and other economic benefits) in the City, the Project will impact the City, its residents and the surrounding community; and

WHEREAS, in the interest of being a good corporate citizen and neighbor, iStar FM Loans LLC and Shore Road-Long Beach Superblock LLC have agreed to provide payments for community enhancements to the City and the LDC; and

WHEREAS, the foregoing community enhancement payments can only be used for covering expenses related to new and/or additional municipal services, new or additional infrastructural improvements resulting from the Project, including Capital improvements and future storm resiliency projects and downtown revitalization efforts; and

WHEREAS, in furtherance of these enhancements, iStar FM Loans LLC and Shore Road-Long Beach Superblock LLC shall jointly pay the City the total sum of \$3,780,000 and to the LDC the sum of \$320,000, totaling \$4,100,000, to be paid in eight (8) equal installments of \$512,500, the first to be made five (5) business days after the Shore Road Superblock has received the temporary Certificate of Occupancy for the Project, and the remaining seven installments shall be disbursed in each successive year on the date of the anniversary of the temporary Certificate of Occupancy; and

WHEREAS, the obligations of iStar FM Loans LLC and Shore Road-Long Beach Superblock LLC under this Agreement, shall be secured by a funded escrow deposit of \$1,000,000 and by a Guaranty by iStar Financial, Inc., guarantying their obligation to make said payments as required by this Agreement; and

WHEREAS, the Host Community Agreement Guaranty shall constitute a permitted encumbrance under any PILOT (payment-in-lieu-of-taxes) that may be awarded to iStar FM Loans LLC and Shore Road-Long Beach Superblock LLC, in its sole discretion, by the Nassau County Industrial Development Agency (NCIDA);

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the City Manager be and he hereby is authorized to enter into a Host Community Agreement on behalf of the City of Long Beach and the City of Long Beach Local Development Corporation with iStar FM Loans LLC and Shore Road-Long Beach Superblock LLC; and be it further

RESOLVED, that iStar FM Loans LLC and Shore Road-Long Beach Superblock LLC shall jointly pay the City the total sum of \$3,780,000 and to the LDC the sum of \$320,000, totaling \$4,100,000, to be paid in eight (8) equal installments of \$512,500, the first to be made five (5) business days after the Shore Road Superblock has received the temporary Certificate of Occupancy for the Project; and be it further

RESOLVED, that said Host Community Agreement shall contain such other provisions, requirements and conditions as the City Manager and the above referenced Counsel shall deem proper and advisable.

April 21, 2015

Item No. 6
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter into a
Contract for the Rehabilitation of the Sherman Brown Park
with the Lowest Responsible Bidder.

WHEREAS, as a result of Superstorm Sandy, the asphalt pavement of the
Sherman Brown Park was damaged by the flood waters, requiring it be replaced; and

WHEREAS, after due advertisement therefore, bids were received in the Office of
the Commissioner of Public Works on Thursday, March 12, 2015 for the rehabilitation of the
Sherman Brown Park, specifically the removal and replacement of the asphalt pavement surface
and the color acrylic coating over the asphalt and pavement markings; and

WHEREAS, Roadwork Ahead, Inc., 1211 Stewart Avenue, Bethpage, New York
11714 was the lowest responsible bidder at a cost of \$105,650;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the
City Manager be and he hereby is authorized to enter into a contract with Roadwork Ahead, Inc.,
1211 Stewart Avenue, Bethpage, New York 11714 for the replacement of the asphalt pavement
and color acrylic coating at the Sherman Brown Park, in accordance with plans and
specifications on file in the Office of the Commissioner of Public Works, at a cost of \$105,650.
Funds are available in Account No. P1000.52700 (Recreation Capital Outlay).

April 21, 2015

Item No. 7
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Purchase Outdoor
Beach Shower Units and Freeze Resistant Underground Hydrants
From the Lowest Responsible Bidder.

WHEREAS, after due advertising therefore, two bids were received in the Office of the City Purchasing Agent on Monday, April 13, 2015 at 11:00 a.m. for the purchase of twenty-five (25) outdoor beach shower units and two (2) freeze resistant underground hydrants, as per specifications on file in the Office of the City Purchasing Agent; and

WHEREAS, Central Plumbing Specialties, 550 Saw Mill River Road, Yonkers, New York 10701 was the lowest responsible bidder at a total cost of \$63,525, which includes an upgrade to stainless steel fixtures;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the City Manager be and he hereby is authorized to purchase twenty-five (25) outdoor beach shower units and two (2) freeze resistant underground hydrants, upgraded to stainless steel, from Central Plumbing Specialties, 550 Saw Mill River Road, Yonkers, New York 10701 for a total cost of \$63,525. Funds are available in Account No. H1015.52275 (Shower Stands - Walk-overs).

April 21, 2015

Item No. 8
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter into a Contract
for the Rental of Portable Restroom Trailers for the Ocean Beach
Park.

WHEREAS, as a result of Superstorm Sandy, the bathrooms on Ocean Beach
Park were completely destroyed by the storm surge, requiring the City to rent temporary
bathrooms for the 2013 and 2014 summer seasons and requiring seven for this coming summer
season; and

WHEREAS, the City is now rebuilding the first five bathrooms, located at Grand,
National, Edwards, Riverside and Lincoln Boulevards, making them more resilient by elevating
them and placing them on the north side of the boardwalk, in compliance with FEMA regulations
and guidelines; and

WHEREAS, as construction is completed and a bathroom is opened, the rental
bathroom will be removed from that location; and

WHEREAS, after due advertisement therefore, two bids were received in the
Office of the Commissioner of Public Works on March 24, 2015 for the rental of portable
restroom trailers for the Ocean Beach Park, with one bidder failing to bid the requested product
as per specifications on file; and

WHEREAS, the City will need seven (7) trailer bathrooms with five (5) women's
stalls on one side and two (2) men's stalls with three (3) urinals on the other side; and

WHEREAS, Direct Drainage, 1105 Montauk Highway, East Patchogue, New
York 11772 was the vendor that provided said service the last two summer seasons efficiently
and responsibly and submitted a bid this season at a cost of \$28,000.00 per month for all of the
above units from May 1, 2015 through September 30, 2015 for a total cost of \$140,000.00;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the
City Manager be and he hereby is authorized to enter into a contract with Direct Drainage, 1105
Montauk Highway, East Patchogue, New York 11772 for the rental of portable restroom trailers
for the Ocean Beach Park for a period of five months at a total cost of \$140,000.00. Funds are
available in Account No. P1000.54442 (Sandy FEMA-Equipment Rental).

April 21, 2015

Item No. 9
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication of the General Summary
of the Capital Improvement Program for the Next Five Years,
and Authorizing Publication of the General Summary
of the Proposed Budget for Year July 1, 2015 through June
30, 2016, and Notice of Public Hearings Thereon.

BE IT RESOLVED, by the City Council of the City of Long Beach, New York that the General Summary of the proposed Capital Improvement Program for the five-year period July 1, 2015 to June 30, 2020, inclusive, be published in the official newspaper of the City of Long Beach, together with a Notice of Public Hearing on said Capital Improvement Program, to be held at City Hall, 1 West Chester Street, in the City of Long Beach, New York, on Tuesday, May 19, 2015 at 7:00 p.m. on that day, pursuant to Section 101-d of the City Charter. Copies of said Capital Improvement Program will be available for inspection by the public at the Office of the City Clerk, daily on business days between the hours of 10:00 a.m. and 3:00 p.m., prior to said hearing. Copies of said Capital Improvement Program will also be available for inspection at the Public Library of the City of Long Beach. An electronic version of the Capital Improvement Program will be available on the City's official website www.longbeachny.gov., and

BE IT RESOLVED, by the City Council of the City of Long Beach, New York that the City Clerk is hereby authorized and directed to publish in the official newspaper of the City of Long Beach a General Summary of the Proposed Budget for Year July 1, 2015 through June 30, 2016, together with a notice calling for public hearings on such budget to be held on Tuesday, May 5, 2015 and Tuesday, May 19, 2015, at 7:00 p.m., at City Hall, 1 West Chester Street, in the City of Long Beach, New York. Copies of the submitted budget and budget message, and all supporting schedules, are available for inspection by the public at the Office of the City Clerk, daily on business days between the hours of 10:00 a.m. and 3:00 p.m., prior to said hearings. Copies of said budget and message are also available for inspection at the Public Library of the City of Long Beach. An electronic version of the budget and message is available on the City's official website www.longbeachny.gov.